

Submitted June 14, 2014
Approved as of
Date June 14, 2014

MINUTES OF THE ROCKVILLE BOARD OF APPEALS
MEETING NO. 04-2014
Saturday, April 12, 2014

The City of Rockville Board of Appeals convened in regular session in the Mayor and Council Chambers at 9:00 a.m., Saturday April 12, 2014.

PRESENT

W. Thomas Curtis, Chair
Peter Mork
Steven Wilcox

Absent Board Member: Jeryl O. Gegan, Alternate

Staff Present: Cindy Walters, Senior Assistant City Attorney
Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner
Margaret Hall, Planner II

Mr. Curtis opened the hearing with a request to change the order of Items I and II. Mr. Mork moved, seconded by Mr. Wilcox, to begin this session with Item II and move Item I to the second position. The motion passed unanimously 3-0.

- I. TIME EXTENSION FOR VARIANCE APPLICATION VAR2013-00035**, Megan L. Dankovich and Dominic M. Argentieri, 315 Great Falls Road. - A 6-month Time Extension request for a Variance that was granted on April 13, 2013 for an eight foot encroachment into the side yard setback for a 20 foot by 26 foot, two story addition that will be connected to the house by a 7 foot wide by 18 foot deep breezeway. The property is located in the R-90, Single-Unit Detached Dwelling, and Restricted Residential Zone.

Margaret Hall presented the Staff Report and recommended approval of the time extension for the variance. She also answered questions from the Board.

Dominic Argentieri of 315 Great Falls Road and applicant presented the proposed site plan layout stating that he has come upon a number of unforeseen delays such as HDC approval, financing and selecting the right contractor.

Mr. Mork moved, seconded by Mr. Wilcox, to grant a six month extension for VAR2013-00035. The motion passed 3-0.

- II. VARIANCE APPLICATION VAR2014-00040**, Bill Singer, Kenwood Management Company, 1008 Westmore Avenue - A Variance request from the 60,000 square foot minimum floor area required for an indoor, commercial, multi-purpose sports facility. The 55,000 square foot building is 5,000 short of meeting the 60,000 square feet of floor area required. The property is located in the I-L, Light Industrial Zone.

Margaret Hall presented the staff report and answered questions from the Board. She recommended denial of the variance because the four required findings not being met.

Su Lee Cho presented her case on behalf of her client Kenwood Management. She disagrees with staff's recommendation of denial based on the fact that the four required Findings have been met. She presented her case in support and answered questions from the Board regarding the parking requirements and the peculiarity of the property.

Bill Singer with Kenwood Management spoke on the uniqueness of the property stating that the previous use of the building was an indoor tennis facility and that the supporting columns in the building had to be strategically placed to achieve this.

Mr. Mork moved, seconded by Mr. Wilcox, to approve Variance Application VAR2014-00040, 1008 Westmore Avenue, made by Bill Singer with Kenwood Management, requesting a 5000 square foot variance on the square footage required for a commercial multi-purpose sports facility. In terms of the Boards' Findings, the Board concurred with the staff report for Finding #1 in that use of the facility would not be contrary to the public interest; for Finding #2, the Board finds that this particular property is peculiar in that it already has a building on the site that is suitable for a commercial multi-purpose sports facility; for Finding #3, the Board finds that a literal application of the code would have practical difficulties because of negative traffic impacts on the neighborhood and the overall change being requested is quite small; and for Finding #4, that the 2002 Master Plan call for the reduction in traffic, which this variance would facilitate and the intent of the 1995 Text Amendment seeking non-proliferation of this kind of use has been accounted for.

The motion passed 3-0.

III. COMMISSION ITEMS

A. OLD BUSINESS

B. NEW BUSINESS

C. MINUTES – Minutes for Meetings 03-2014 (March 8, 2014) - Mr. Wilcox moved, seconded by Mr. Mork, to approve the minutes for Meeting 03-2014 with noted edits. The motion passed 3-0.

Minutes for Meeting 01-2014 (January 11, 2014) - Mr. Wilcox moved, seconded by Mr. Mork, to approve the minutes for Meeting 01-2014, with noted edits. The motion passed 3-0.

Mr. Wasilak clarified that, based on the Board's motion to approve the variance application, it was not necessary to approve an opinion at the May meeting, and that the letter could be sent out as is typical, with the Board taking the lead in drafting the content if so desired.

IV. ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 10:32 a.m.

Respectfully Submitted

Sandra Y. Driver, Commission Secretary